

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DWAYNE GRANT, et al.,

Plaintiffs,

v.

CITY OF BENTON HARBOR, et al.,

Defendants.

Case No. 1:21-cv-985

HON. JANET T. NEFF

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**NOTICE OF IMPENDING DISMISSAL**

The court records indicate that more than 60 days have passed from the filing of the above complaint and Defendants Gretchen Whitmer, State of Michigan - Environment, Great Lakes & Energy, Liesl Clark, Eric Oswald, Michigan Department of Health & Human Services, Robert Gordon, Elizabeth Hertel, Marcus Muhammad, Michael O'Malley, Darwin Watson, Ellis Mitchell, City of Benton Harbor, Elhorn Engineering Company, and F&V Operations and Resource Management has not been served. This notice serves to inform Plaintiffs that the action shall be dismissed without prejudice as to Defendants Gretchen Whitmer, State of Michigan - Environment, Great Lakes & Energy, Liesl Clark, Eric Oswald, Michigan Department of Health & Human Services, Robert Gordon, Elizabeth Hertel, Marcus Muhammad, Michael O'Malley, Darwin Watson, Ellis Mitchell, City of Benton Harbor, Elhorn Engineering Company, and F&V Operations and Resource Management, unless Plaintiffs complete service of process within 90 days after the filing of the complaint, in accordance with FED. R. CIV. P. 4(m).

To avoid dismissal pursuant to Rule 4(m), if more than 90 days are necessary for service of process, counsel must execute a verified petition RE: Service of Process, advising the Court:

- A. That the case should not be dismissed as to the unserved defendant(s);
- B. That the failure to obtain service upon the defendant(s) is not due to the fault of the party or counsel seeking to avoid dismissal;
- C. The reasons why the case against the unserved defendant(s) should not be dismissed, set forth in detail; and
- D. That service will be effected on the defendant(s) within twenty-eight (28) days of the date of the petition.

This petition must be filed with the Court on or before **February 18, 2022**. By executing the petition RE: Service of Process, you need not appear in support thereof until and/or unless so notified by the Court. If the Court is satisfied that the case should not be dismissed as to Defendants Gretchen Whitmer, State of Michigan - Environment, Great Lakes & Energy, Liesl Clark, Eric Oswald, Michigan Department of Health & Human Services, Robert Gordon, Elizabeth Hertel, Marcus Muhammad, Michael O'Malley, Darwin Watson, Ellis Mitchell, City of Benton Harbor, Elhorn Engineering Company, and F&V Operations and Resource Management, you will be so notified. If dismissal of the case as to Defendantst Gretchen Whitmer, State of Michigan - Environment, Great Lakes & Energy, Liesl Clark, Eric Oswald, Department of Health & Human Services, Robert Gordon, Elizabeth Hertel, Marcus Muhammad, Michael O'Malley, Darwin Watson, Ellis Mitchell, City of Benton Harbor, Elhorn Engineering Company, and F&V Operations and Resource Management is satisfactory to you, no action is required. An Order of Dismissal shall be issued.

Dated: February 4, 2022

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge